

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA	)	
	)	
v.	)	
	)	Criminal No. 1:13-cr-239
TOTAL, S.A.,	)	
	)	
Defendant.	)	

**UNITED STATES’ MOTION TO DISMISS CRIMINAL INFORMATION**

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, the United States of America, by and through undersigned counsel, hereby moves to dismiss the criminal Information filed in the above-captioned case against the defendant, Total, S.A. (“Total”). As grounds therefore, the United States provides the following:

On May 29, 2013, the United States Department of Justice, Criminal Division, Fraud Section, and the United States Attorney’s Office for the Eastern District of Virginia (the “Department”) filed a three-count criminal information charging Total with violating the Foreign Corrupt Practices Act (“FCPA”), Title 15, United States Code, Section 78dd-1 *et seq.* On that same date, the Department entered into a Deferred Prosecution Agreement (“DPA”) with Total in which the Department agreed to defer prosecution of the Information for the three year and seven day term of the DPA (the “Term”), and dismiss the Information after the Term if Total satisfied the various obligations identified in the DPA. The resolution with Total included a \$245.2 million criminal penalty, the implementation of an enhanced compliance program, and the imposition of an independent compliance monitor to review and ensure the effective design

and implementation of the enhanced compliance program to prevent, detect, and deter future violations of the FCPA.

The DPA was originally scheduled to expire on June 5, 2016. However, because of delays resulting from the need to replace the Monitor during the monitorship as a result of illness, the Department and Total entered into an agreement extending the term of the DPA until October 31, 2016.

On July 25, 2016, the government received the Monitor's final report. Based on the information provided to the government, Total has now fully met the obligations under the DPA, including timely payment of the monetary penalty, full cooperation with the government, implementation of an enhanced compliance program and procedures, and successful completion of the monitorship. Pursuant to the DPA, if Total fully complied with all of its obligations under the DPA, the Department would not continue the criminal prosecution initiated on May 29, 2013, and would move to dismiss the criminal Information within thirty days of the DPA's expiration.

Given that Total has fully complied with all of its obligations under the DPA, the Department has determined that dismissal with prejudice of the Information is appropriate pursuant to paragraph 15 of the DPA. The Department has conferred with counsel for Total, who concurs that dismissal is appropriate at this time.

WHEREFORE, pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure and by leave of Court endorsed hereon, the United States hereby moves to dismiss, with prejudice, the criminal Information filed in the instant case. A proposed Order is attached.

Respectfully submitted,

ANDREW WEISSMANN  
CHIEF, FRAUD SECTION  
CRIMINAL DIVISION

/s/

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/s/

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**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing United States' Motion to Dismiss Criminal Information was served electronically by email to:

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Counsel to Defendant Total

Dated: November 4, 2016

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/s/  
G. Zachary Terwilliger